

INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY PCT To: McCORMACK, Derek BIPD MOTOROLA EUROPEAN INTELLECTUAL 13 FEB 2004 WRITTEN OPINION PROPERTY OPERATIONS Midpoint, Alencon Link (PCT Rule 66) Basingstoke, Hampshire RG21 7PL GRANDE BRETAGNE Date of mailing 09.02.2004 (day/month/year) within 2 month(s) Applicant's or agent's file reference **REPLY DUE** from the above date of mailing CM00880P Priority date (day/month/year) International filing date (day/month/year) International application No. 05.03.2002 18.02.2003 PCT/EP 03/01612 International Patent Classification (IPC) or both national classification and IPC H04N7/26 Applicant MOTOROLA INC This written opinion is the first drawn up by this International Preliminary Examining Authority. 1. This opinion contains indications relating to the following items: 2. \boxtimes Basis of the opinion **Priority** Ш Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Ш Lack of unity of invention or industrial applicability; Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, invents \boxtimes citations and explanations supporting such statement EIPD Certain documents cited Certain defects in the international application 16 FEB 2004 Certain observations on the international application VIII 🗆 The applicant is hereby invited to reply to this opinion. 3. See the time limit indicated above. The applicant may, before the expiration of that time limit, When? request this Authority to grant an extension, see Rule 66.2(d). By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. How? For the form and the language of the amendments, see Rules 66.8 and 66.9. For an additional opportunity to submit amendments, see Rule 66.4. Also: For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6. If no reply is filed, the international preliminary examination report will be established on the basis of this opinion. The final date by which the international preliminary 4 examination report must be established according to Rule 69.2 is: 05.07.2004 **Authorized Officer** Name and mailing address of the international preliminary examining authority: Gries, T



Telephone No. +49 30 25901-706

Geier, A

Formalities officer (incl. extension of time limits)

D-10958 Berlin

Tel. +49 30 25901 - 0

Fax: +49 30 25901 - 840

European Patent Office - Gitschiner Str. 103

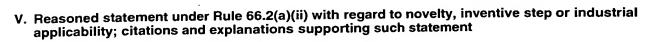
International application No.

WRITTEN OPINION

	Basis	٥f	tha	^n	ininn
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1. With regard to the **elements** of the international application (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"):

	Des	escription, Pages				
	1-25	5	as originally filed			
	Claims, Numbers					
	1-10		as originally filed			
	Dra	wings, Sheets				
	1/5-	5/5	as originally filed			
2.	With regard to the language , all the elements marked above were available or furnished to this Authority in t language in which the international application was filed, unless otherwise indicated under this item.					
	These elements were available or furnished to this Authority in the following language: , which is:					
		the language of publ the language of a tra Rule 55.2 and/or 55.3				
3.	Witl inte	With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:				
		contained in the inte	rnational application in written form.			
		filed together with the	e international application in computer readable form.			
		I furnished subsequently to this Authority in written form.				
			ntly to this Authority in computer readable form.			
		in the international a	he subsequently furnished written sequence listing does not go beyond the disclosure pplication as filed has been furnished.			
		The statement that the listing has been furn	he information recorded in computer readable form is identical to the written sequence ished.			
4.	The	amendments have re	esulted in the cancellation of:			
		the description,	pages:			
		the claims,	Nos.:			
		the drawings,	sheets:			
5.		This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).				
6.	Add	Additional observations, if necessary:				



1. Statement

Novelty (N)

Claims

6-10

Inventive step (IS)

Claims

Industrial applicability (IA)

Claims

2. Citations and explanations

see separate sheet

WRITTEN OPINION SEPARATE SHEET



The examination is being carried out on the following application documents:

Text for the Contracting States:

AL AT BE BG CH CY CZ DE DK EE ES FI FR GB GR HU IE IT LI LT LU LV MC MK NL PL PT RO SE SI SK TR

Description, pages:

1-25

as originally filed

Claims, No.:

1-10

as originally filed

Drawings, sheets:

1/5-5/5

as originally filed

Re Item V

It appears that **claims 1 to 5**, describing a method and a video communication system for improved transmission of scalable video object planes over error-prone networks, fulfill the requirements of the PCT as to novelty and inventive step.

Claims 6 to 8 describe a video communication unit (**claim 6**), a video encoder (**claim 7**), and a video decoder (**claim 8**) respectively, which are "adapted for use in the method of claims 1 to 4 or adapted for use in the communication system of claim 5". However, these claimed entities are not described in terms of their technical features, so that *any* other well known video communication unit, video encoder or video decoder, is in the same way "adapted for use in the methods of any of claims 1 to 4 or adapted for use in the communication system of claim 5". The subject-matter of these claims (as filed) is therefore not novel as such and does not fulfill Article 33(2) PCT.

The same objection as above applies mutatis mutandis against **claims 9 and 10**. These claims describe mobile radio devices comprising a video communication unit or video encoder or video decoder in accordance with claims 6 to 8, which are not new as such, because mobile radio devices having video communication units, video coders or video encoders, are well known. Therefore, the subject-matter of claims 9 and 10 (as filed) is not novel as such and does not fulfill Article 33(2) PCT.